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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/667,169	09/21/2000	Vipul Bansal	JP920000235US1	8125

7590 07/10/2003  
MCGINN & GIBB, PLLC  
2566-A RIVA ROAD  
SUITE 304  
ANNAPOLIS, MD 21401

EXAMINER

THOMPSON JR, FOREST

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 07/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/667,169

Applicant(s)

BANSAL ET AL.

Examiner

Forest Thompson Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6,9.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 1-33 have been examined.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huberman (U.S. Patent No. 5,826,244) and further in view of Johnson et al. (U.S. Patent No. 6,047,274).

- 1, 12, 23. Huberman discloses:

- said agent initially receiving bidding-related information from a bidder (col. 8 line 66 – col. 9 line 6);
- said agent initially selecting a plurality of auctions to place bids in, in accordance with said bidding-related information and the current status of one or more auctions, and placing bids in said plurality of auctions (col. 9 lines 6-19); and

Huberman does not specifically disclose said agent, on being outbid in an auction, itself determining, on the basis of said bidding-related information and the current status of one or more auctions, whether to place an additional bid and, if so, selecting an auction to place said additional bid in, and placing said additional bid in said selected auction. However, Johnson discloses *(Abstract) in the disclosure of A bidding moderator (Moderator) receives bids from the competing suppliers of the rate each is willing to charge to particular end users for estimated quantities of electric power or gas supply (separate auctions ). Each supplier receives competing bids from the Moderator and has the opportunity to adjust its own bids down or up, depending on whether it wants to encourage or discourage additional energy delivery commitments in a particular geographic area or to a particular customer group. Each supplier's bids can also be changed to reflect each supplier's capacity utilization.* Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the disclosure of Huberman to specifically determine, on the basis of said bidding-related information and the current status of one or more auctions, whether to place an additional bid and, if so, selecting an auction to place said additional bid in, and placing

said additional bid in said selected auction, as disclosed by Johnson et al., for the motivation of bidding in on-line auctions accessible over a communications network.

2, 13, 24. Huberman discloses one or more of the auctions in which said agent places bids are located at different online auction sites (col. 9 lines 24-53).

3, 14, 25. Huberman discloses one or more of the auctions in which said agent placed bids are scheduled to close for bidding at the same time (col. 18 lines 27-34).

4, 15, 26. Huberman discloses said auctions open for bidding at the same time (col. 18 lines 27-34).

5, 16, 27. Huberman discloses a specified list of auctions to which the agent should restrict participation in; specified limits on the values of bids that can be placed by said agent in various auctions; a specified limit on the number of simultaneously outstanding bids that said agent can have at any time; a specified limit on the sum of values of all simultaneously outstanding bids that said agent can have at any time; and a specified rule for determining at any time, whether said agent should place additional bids and, if so, in which auctions to place said additional bids (col. 18 lines 27-50), in the disclosure *a marketplace involves an ongoing series or stream of auctions and transactions. For example, many customer processes 210 are likely to request different document services jobs at the same time. Accordingly, there can be many auctions at once and many auctions in rapid succession, and different auctions that overlap in time . . . In the specific embodiment, depending on the communications bandwidth supported by*

*network 100 and the processing power available to support broker process 230, broker process 230 can be configured to conduct multiple auctions for multiple jobs contemporaneously. Likewise, a given customer process 210 or supplier process 220 can be configured to be able to participate in multiple auctions contemporaneously. Each auction is for a separate job, that is, for a separately specified document service, and has at most one winning customer process 210 and at most one winning supplier process 220. Each auction is separately carried out according to the steps described above with reference to FIG. 3 or FIG. 4 as appropriate. In determining the results of any given auction, broker process 230 need not take into account the proceedings or results of any other auction.*

6, 17, 28. Huberman does not specifically disclose selection of an auction for placing a bid in, whether initially or on being outbid, by said agent, is to be such that the current bidder surplus of said bid is maximised and non-negative, nor wherein said current bidder surplus of said bid comprises a monetary value computed from said bid value and said specified limit on the value of the bid. However, Huberman does disclose a *mobile customer process 210 (e.g., an intelligent agent) can be instructed to roam network 100 in search of good deals on auctioned document services that the customer needs, and accordingly to make bids on behalf of the customer up to a preauthorized spending limit* (col. 17 lines 1-5). Additionally, Official Notice is taken that the system may be configured to provide a specified measure of surplus to the system for each transaction, including maximizing the surplus, up to an upper limit of the customer's

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specified needs and preauthorized spending limit. This determines the profitability of the system or service provider, which (for example) service providers try to maximize within market constraints. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the disclosure of Huberman to specifically disclose selection of an auction for placing a bid in, whether initially or on being outbid, by said agent, is to be such that the current bidder surplus of said bid is maximised and non-negative, and wherein said current bidder surplus of said bid comprises a monetary value computed from said bid value and said specified limit on the value of the bid, as disclosed by the combination of Huberman and old and well known art, for the motivation of bidding in on-line auctions accessible over a communications network.

7, 18, 29. Huberman does not specifically disclose selection of an auction for placing a bid in, whether initially or on being outbid, by said agent, is to be such that the current bidder profitability of said bid is maximized and non-negative, nor wherein said current bidder profitability of said bid comprises the ratio of a monetary value computed from said bid value and said specified limit on the value of the bid to said bid value.

However, Huberman does disclose *a mobile customer process 210 (e.g., an intelligent agent) can be instructed to roam network 100 in search of good deals on auctioned document services that the customer needs, and accordingly to make bids on behalf of the customer up to a preauthorized spending limit* (col. 17 lines 1-5). Also, Official Notice is taken that the system may be configured to provide a specified measure of

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profitability to the system for each transaction, including maximizing the surplus, up to an upper limit of the customer's specified needs and preauthorized spending limit. This provides a measure of and determines the profitability of the system or service provider, which (for example) service providers try to maximize within market constraints.

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the disclosure of Huberman to specifically disclose selection of an auction for placing a bid in, whether initially or on being outbid, by said agent, is to be such that the current bidder profitability of said bid is maximized and non-negative, and wherein said current bidder profitability of said bid comprises the ratio of a monetary value computed from said bid value and said specified limit on the value of the bid to said bid value, as disclosed by the combination of Huberman and old and well known art, for the motivation of bidding in on-line auctions accessible over a communications network.

8, 19, 30. Huberman does not specifically disclose said current bidder profitability of said bid is further required to be greater than a bidder-specified minimum limit.

However, Huberman does disclose the winning sell bid is the bid indicating the lowest price at which any supplier has authorized provision of the document service being auctioned (col. 17 lines 31-33), which encompasses the claim language through the inference that the current bidder will maintain a desired level of profitability and include this profit in any bid submitted.



9, 20, 31. Huberman discloses:

- said auctions are ascending price auctions for selling to bidders (col. 10 lines 54-55); and
- said specified limits on the values of bids that can be placed by said agent comprise maximum allowable values (col. 4 lines 11-15).

Huberman does not specifically disclose said specified limit on the sum of values of all simultaneously outstanding bids that said agent can have at any time comprises a maximum allowable value; nor said current bidder surplus for a bid is computed by said agent by subtraction of a new computed bid value from the maximum allowable bid value specified by the bidder, for a particular auction. However, Huberman does disclose *a mobile customer process 210 (e.g., an intelligent agent) can be instructed to roam network 100 in search of good deals on auctioned document services that the customer needs, and accordingly to make bids on behalf of the customer up to a preauthorized spending limit* (col. 17 lines 1-5). Additionally, Official Notice is taken that it was old and well known in the art at the time the invention was made that limits placed on the agent affect the value and commitments placed on buyers and sellers. These limits are specified to maintain some control on the total commitments to which buyers/customers and sellers/suppliers may be obligated, and that match customer/supplier needs. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the disclosure of Huberman to specifically said specified limit on the sum of values of all simultaneously outstanding bids that said agent can have at any time comprises a maximum allowable value; and said current

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bidder surplus for a bid is computed by said agent by subtraction of a new computed bid value from the maximum allowable bid value specified by the bidder, for a particular auction, as disclosed by old and well known art, for the motivation of bidding in on-line auctions accessible over a communications network.

10, 21, 32. Huberman discloses:

- said auctions are descending price auctions for selling to bidders (col. 10 lines 54-55); and
- said specified limits on the values of bids that can be placed by said agent comprise minimum allowable values (col. 15 lines 1-17).

Huberman does not specifically disclose said current bidder surplus for a bid is computed by said agent by subtraction of a minimum allowable bid value specified by the bidder from a new computed bid value, for a particular auction. However, Huberman does disclose:

- *a mobile customer process 210 (e.g., an intelligent agent) can be instructed to roam network 100 in search of good deals on auctioned document services that the customer needs, and accordingly to make bids on behalf of the customer up to a preauthorized spending limit (col. 17 lines 1-5); and*
- *Supplier process 220a can also specify a reservation price, which in this case is a minimum price below which the supplier will refuse to do the job (step B). Broker process 230 holds an auction (step D) much as described above, except that here, customer processes 210 bid against one another (steps E, F, G, H); bids below the*

*reservation price, if any, are eliminated (steps M,N); the winning bids are the bids for the highest prices, rather than the lowest prices (step O) (col. 15 lines 1-9).*

Additionally, Official Notice is taken that it was old and well known in the art at the time the invention was made that limits placed on the agents affect the value and commitments placed on buyers and sellers. These limits are specified to maintain some control on the total commitments to which buyers/customers and sellers/suppliers may be obligated, and that match customer/supplier needs. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the disclosure of Huberman to specifically disclose said current bidder surplus for a bid is computed by said agent by subtraction of a minimum allowable bid value specified by the bidder from a new computed bid value, for a particular auction, as disclosed by the combination of Huberman and old and well known art, for the motivation of bidding in on-line auctions accessible over a communications network.

11, 22, 33. Huberman discloses:

- arranging offerings for auction in one or more selected groups (Abstract);
- constraining all of said auctions within the same group from said one or more selected groups to close for bidding simultaneously (col. 18 lines 27-50); and
- soliciting bids in one or more of said auctions by software agents representing bidders, said software agents determining at any time, on the basis of bidding-related information input by a bidder and the current status of one or more auctions, whether to

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place an additional bid and if so, selecting the auction to place the bid in and placing the bid in said selected auction (col. 10 line 62 – col. 11 line 14; col. 18 lines 27-50).

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Prior art includes:


- CHEONG, Fah-Chun; "Internet Agents: Spiders, Wanderers, Brokers, and 'Bots;" New Riders Publishing; 1996; which discloses a plurality of types of agents used on the Internet and their descriptions.
- Odom et al. (U.S. Patent No. 6,058,379) discloses a method for networked exchange comprises 8 steps. Those steps are (1) specifying a mode of operations for an exchange; (2) identifying a commodity for the exchange; (3) listing information about the commodity; (4) accessing of the listing by a potential purchaser; (5) accessing the network-based exchange by the potential purchaser; (6) processing information generated by the potential purchaser, the information comprising a negotiation; (7) concluding the negotiation; and, (8) clearing the concluded negotiation.
- O'Neil et al. (U.S. Patent No. 5,987,440) discloses utilization of the E-Metro Community and Personal Information Agents assure an effective and comprehensive agent-rule based command and control of informational assets in a networked computer environment.

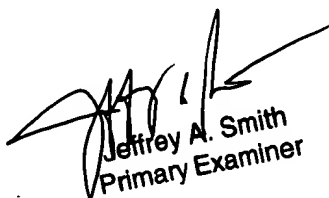
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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Forest Thompson Jr. whose telephone number is (703) 306-5449. The examiner can normally be reached on 6:30-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on (703) 308-1344. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

  
F. Thompson  
July 2, 2003

  
Jeffrey A. Smith  
Primary Examiner